

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**FILED**

**2010 APR -6 PM 3: 23**

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY \_\_\_\_\_

DEPUTY

**MARCUS SAENZ and SHANNON SAENZ,  
Plaintiffs,**

**-vs-**

**Case No. A-09-CA-732-SS**

**LEHMAN BROTHERS BANK, FSB;  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.; AURORA LOAN SERVICES,  
LLC d/b/a Aurora Loan Services; FALSO  
SOLUTIONS; MICHAEL J. SCHROEDER;  
JUANITA STRICKLAND; JANIE MUCHA; and  
JOHN DOES 1-1000,**

**Defendants.**

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**ORDER**

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and thereafter, enters the following:

On February 25, 2010, this Court entered its order that the plaintiffs Saenz and their counsel have twenty days to properly serve summons and/or suit papers on the defendants. Prior to that date, counsel for the plaintiffs had advised that an impending foreclosure had been postponed and there was no necessity for any type of injunctive relief. Since that date, however, no further pleadings have been filed, no summonses have issued, and no action whatsoever has occurred regarding this case. Plaintiffs' counsel had been scheduled to appear before this Court on February 25, 2010, to show cause why the case should not be dismissed as no summons or other service had been requested, issued, or served. However, plaintiffs' counsel did not appear and advised that he had not received a copy of this Court's order that the Clerk's records clearly establish had been electronically

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served on counsel for the plaintiffs. Now there has been no response whatsoever to the February 25, 2010, order.

IT IS THEREFORE ORDERED that the above-styled and numbered cause is DISMISSED for the failure of the plaintiffs Saenz and their counsel to diligently prosecute this case.

SIGNED this the 5<sup>th</sup> day of April 2010.

  
UNITED STATES DISTRICT JUDGE